## REMARKS

This application pertains to a novel multilayer film having an outer layer of a polyamide which is at least 90% polyamide 6, contains nanoscale particulate nucleating agents and has a thickness which is less than 50% of the total thickness of all the layers containing polyamide.

Claims 1-12 are pending.

The Terminal Disclaimer filed on December 6, 2002 stands objected to, and not accepted, and the obviousness-type double patenting rejection maintained because of a typographical error in the serial number of the copending application.

This has now been corrected in the accompanying revised Terminal Disclaimer. It is respectfully requested that the accompanying Terminal Disclaimer be placed of record, and the double patenting rejection be withdrawn.

Claims 1-12 stand rejected under 35 USC 103(a) as obvious over Ramesh in view of the combined teachings of Khanna and Mizutani.

The Examiner sees Ramesh as disclosing a multilayer film structure which includes multiple layers of polyamide and EVOH, having an outer layer which is polyamide.

The Examiner indicates that he does not see Ramesh as teaching the inclusion of nucleating agents or that the outer layer should be less than 50% of the total thickness of the polyamide layers.

Khanna, according to the Examiner, teaches a polyamide polymer which could be polyamide 6 and which could include a small amount of silica nucleating agent.

The Examiner does not contend that any reference teaches that the thickness of the outer layer should be less than 50% of the total thickness of all the polyamide layers. In this regard, the Examiner's attention is respectfully drawn to column 1, table 1 of the Ramesh reference.

Khanna is read by the Examiner as disclosing the use of "other" polymers in the polymer "film", in the form of copolymers or blends.

Mizutani is relied on by the Examiner for a cooling rate.

According to the Examiner, it would be obvious to use Khanna's polyamide, cooled by Mizutani's method, as the outer layer of Ramesh, in a thickness less than 50% of the total thickness of all the polyamide layers. The Examiner seems to argue that the thickness of the outer layer would be adjusted to provide a multilayer film with improved mechanical properties. The Examiner does not point to anything that would

suggest this, however.

There are a number of flaws in the Examiner's reasoning.

First, it should be noted that Ramesh teaches the use of certain copolyamides for his outside layer (column 13, lines 50-12) and does not mention polyamide 6.

For an inner layer, however, Ramesh does disclose the use of polyamide 6 (column 14, line 19).

The fact that Ramesh discloses polyamide only for his second layer and does not include polyamide 6 alone or as a mixture with other polyamides nor does he include any copolymer or caprolactan with any other polyamide among the polyamides used in his first layer, and the fact that the melting point specifications for Ramesh's first layer excludes polyamide 6 clearly teaches away from the use of polyamide 6 in Ramesh's first layer.

As a second point it should be noted that even if Ramesh did not teach away from polyamide 6 in his outer layer, there is nothing in Ramesh or Khanna that would suggest the inclusion of polyamide 6 in Ramesh's outside layer.

Khanna is concerned with a method for reducing the oligomeric content of polyamide molding compositions, specifically for injection molding. See column 2, lines

51-52.

Khanna has nothing to do with films.

The language concerning "other" polymers which the Examiner cites at column 7, lines 14-33, teaches that the compositions that are treated by Khanna's method to reduce their oligomeric content include such "other polymers." See column 6, lines 62-65. These are not "other layers." Khanna does not teach or suggest anything at all about layers or "other" layers.

Thus, at best, all Khanna can contribute to Ramesh is to make Ramesh aware of polyamide 6. Ramesh is already aware of polyamide 6, however, because he uses it in his inner layer.

There is, accordingly, no motivation to combine Khanna with Ramesh. There is, however, many good reasons why Khanna would not and indeed could not be combined with Ramesh.

Mizutani's teachings do not overcome any of the deficiencies discussed above.

It is therefore apparent that Ramesh, Khanna and Mizutani cannot be combined to arrive at applicants' invention.

The rejection of claims 1-12 under 35 USC 103(a) as obvious over Ramesh in view of the combined teachings of Khanna and Mizutani should now be withdrawn.

In view of the present amendments and remarks, it is believed that claims 1-12 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

## CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR §1.116 ( pages total) is being deposited via facsimile no. 703-872-9311 with the United States Postal Services addressed to: Mail Stop AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: August 8, 2003

By: _____
Julie Harting